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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/823,619	04/14/2004	Takashi Amano	274.43199X00

CONFIRMATION NO. 5088

## FORMALITIES LETTER



\*OC000000013083101\*

020457

ANTONELLI, TERRY, STOUT & KRAUS, LLP  
 1300 NORTH SEVENTEENTH STREET  
 SUITE 1800  
 ARLINGTON, VA 22209-9889

Date Mailed: 06/28/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/30/2004 EAREGAY1 00000119 10823619

FILED UNDER 37 CFR 1.53(b)

01 FC:1051

130.00 OP

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
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*A copy of this notice **MUST** be returned with the reply.*

5/14

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



274.43199X00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: T. AMANO, et al

Serial No.: 10/823,619

Filing Date: April 14, 2004

For: METHOD AND APPARATUS FOR AVOIDING JOURNAL  
OVERFLOW ON BACKUP AND RECOVERY SYSTEM USING  
STORAGE BASED JOURNALING

**SUBMISSION OF DECLARATION UNDER 37 CFR §1.63**

**MS Missing Parts**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

August 27, 2004

Sir:

In the matter of the above-identified application, which was originally filed on April 14, 2004 without a Declaration, and responsive to the Notice to File Missing Parts of Application Filing Date Granted dated June 28, 2004, please find attached hereto a Declaration for submission under 37 CFR §1.63, executed by each of the inventors in the above-identified application.

A Credit Card Payment Form authorizing the requisite \$130.00 fee is attached. Should any additional fees become due in connection with the filing of this Declaration, please charge Deposit Account No. 01-2135 (Case No. 274.43199X00).

Respectfully submitted,

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Carl I. Brundidge  
Registration No. 29,621  
ANTONELLI, TERRY, STOUT & KRAUS, LLP

CIB/jdc  
Enclosures  
703/312-6600